

EDMUND G. BROWN JR., Attorney General
of the State of California
STEVEN V. ADLER
Supervising Deputy Attorney General
DOUGLAS LEE, State Bar No. 222806
Deputy Attorney General
110 West "A" Street, Suite 1100
San Diego, CA 92101

P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2580
Facsimile: (619) 645-2061

Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D-2007-65564

EFRAIN PRECIADO, JR., A.T.
909 Ohio Street
Redlands, Ca 92374

ACCUSATION

Physical Therapist Assistant License No.
AT 8141

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about January 17, 2006, the Physical Therapy Board of California issued Physical Therapist Assistant License No. AT8141 to EFRAN PRECIADO, JR. A.T. (Respondent). The Physical Therapist Assistant License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2009, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Physical Therapy Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2609 of the Code states:
The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.

5. Section 2660 of the Code states:
The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

“....”

(d) Conviction of a crime which substantially relates to the qualifications, functions, or duties of a physical therapist or physical therapy assistant. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.

“....”

6. Section 2661 of the Code states:
A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense which substantially relates to the qualifications, functions, or duties of a physical therapist is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict

1 of guilty, or dismissing the accusation, information, or indictment.

2 7. Section 2661.5 of the Code states, in pertinent part:

3 “In any order issued in resolution of a disciplinary proceeding before the
4 board, the board may request the administrative law judge to direct any licensee
5 found guilty of unprofessional conduct to pay to the board a sum not to exceed the
6 actual and reasonable costs of the investigation and prosecution of the case.”

7 CAUSE FOR DISCIPLINE

8 (Conviction of Crimes)

9 8. Respondent is subject to disciplinary action under section 2660
10 subdivision (d), in that he was convicted of crimes substantially related to the qualifications,
11 functions, or duties of a physical therapist. The circumstances are as follows:

12 A. September 10, 2007, Conviction

13 (1) On or about June 3, 2007, at approximately 1:33 a.m., respondent was
14 involved in a single vehicle incident. Respondent had driven his car over a curb and broke a
15 front axle. Officers from the San Bernardino County Sheriff’s Department arrived on scene.
16 Respondent was unable to successfully perform Standard Field Sobriety Tests. A blood alcohol
17 test taken at the scene revealed a .137 blood alcohol content.

18 (2) On or about September 10, 2007, in the case of *The People of the State of*
19 *California v. Efrain Preciado Jr.*, case number TSB701044, before the Superior Court of
20 California, County of San Bernardino, respondent pled guilty to violating Vehicle Code section
21 23152, subdivisions (a) [driving under influence], and (b) [driving a vehicle while having a 0.08
22 percent of higher blood alcohol].

23 B. December 6, 2007, Conviction

24 (3) On or about October 27, 2007, at approximately 9:55 p.m., respondent was
25 observed drinking a beer near a vehicle by an officer from the Fullerton Police Department.
26 Respondent refused to provide identification to the officer and refused to sit down when asked.
27 At one point, respondent attempted to flee from the officer. Additional officers were called to
28 the scene and respondent was taken into custody.

(4) On or about December 6, 2007, in the case of *The People of the State of California v. Efrain Preciado, Jr.*, case number 07NM14964MA, before the Superior Court of California, County of Orange, respondent pled guilty to violating Penal Code section 148, subdivision (a)(1) [resisting arrest].

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

1. Revoking or suspending Physical Therapist Assistant License No. AT 8141, issued to Efrain Preciado, Jr., A.T..

2. Ordering Efrain Preciado, Jr., A.T. to pay the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: May 8, 2008

Original Signed By: _____
STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant